

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KEVIN TIRADO,

Plaintiff,

v.

Case No: 8:22-cv-77-CEH-SPF

GULF COAST COLLECTION
BUREAU INC.,

Defendant.

ORDER

This matter comes before the Court upon Defendant Gulf Coast Collection Bureau, Inc.'s Unopposed Motion to Stay Proceedings [Doc. 11], filed on February 4, 2022. In the motion, Defendant requests the Court stay this action pending the resolution of *Hunstein v. Preferred Management and Collections Services, Inc.*, No. 19-14434, which addresses identical issues and is set for rehearing *en banc* in the Eleventh Circuit Court of Appeals. Plaintiff consents to the relief requested. The Court, having considered the motion and being fully advised in the premises, will **GRANT** Gulf Coast Collection Bureau, Inc.'s Unopposed Motion to Stay Proceedings.

In this action, Plaintiff asserts claims pursuant to the Fair Debt Collection Practices Act (FDCPA) and the Fair Consumer Collection Practices Act. [Doc. 1-1]. The action was removed to this court pursuant to 28 U.S.C. §§ 1331 and 1441, based on the FDCPA claim. [Doc. 1 ¶¶ 3-5]. Plaintiff's FDCPA claim is premised on the decision in *Hunstein*—that a debtor-plaintiff's complaint sufficiently stated a claim

under the FDCPA based on the debt collector defendant's transmission of consumer information to a third-party mailing vendor. 994 F.3d 1341, 1352 (11th Cir. 2021). The Eleventh Circuit recently vacated its opinion and granted rehearing *en banc*. Defendant contends that because the Eleventh Circuit's final decision in *Hunstein* will have a controlling effect on the issues of Plaintiff's standing to assert the FDCPA claim and the Court's subject matter jurisdiction, a stay is warranted. [Doc. 11 at pp. 1-2]. Defendant further contends that the *Hunstein* appeal will determine the track of this case going forward and a stay will promote judicial economy. *Id.* at pp. 7-8. The Court agrees. Moreover, Plaintiff has consented to a stay and will not be prejudiced. *Id.* at p. 7. Accordingly, upon consideration, it is hereby

ORDERED:

1. Gulf Coast Collection Bureau, Inc.'s Unopposed Motion to Stay Proceedings [Doc. 11] is **GRANTED**.
2. This case is **STAYED** until the mandate issues in the appeal in *Hunstein v. Preferred Collection and Management Services, Inc.*, No. 19-14434. Within **TEN (10) DAYS** of the *en banc* Eleventh Circuit's resolution of the appeal, the parties shall file a notice advising the Court of the resolution and joint motion requesting the case be re-opened and the stay be lifted.
3. The Clerk is directed to terminate all deadlines and **ADMINISTRATIVELY CLOSE** this case.

DONE AND ORDERED in Tampa, Florida on February 7, 2022.



Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record and Unrepresented Parties, if any